MONTANA LEGISLATIVE HISTORY

Chapter 417 1981

Bill H 704 S _____ Original bill & history ✓ C

H. Committee on Local Govt			S. Committee on Local Govt		
Hearing Date(s)	Feb 13	✓ C	Hearing Date(s)	Mar 12	✓ C
		C		Mar 17	✓ C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____ Report _____

HB 704—DUSSAULT—TO PERMIT THE ESTABLISHMENT OF BUS STOPS IN PLACES IN WHICH STOPPING, STANDING, AND PARKING A VEHICLE ARE OTHERWISE PROHIBITED.
INTRODUCED: 2/10
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 2/10
HEARING: 2/13
REPORT: DO PASS, 2/14
2ND READING: 2/19, YEAS: 84; NAYS: 4
3RD READING: 2/24, YEAS: 92; NAYS: 4

TRANSMITTED TO SENATE: 2/24
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 3/2
HEARING: 3/12
REPORT: 3/19, BE CONCURRED IN, AS AMENDED
2ND READING: 3/21, BE CONCURRED IN
3RD READING: 3/24, YEAS: 47; NAYS: 2

RETURNED TO HOUSE WITH AMENDMENTS: 3/24
2ND READING: 4/8, YEAS: 78; NAYS: 10
3RD READING: 4/9, YEAS: 91; NAYS: 4

TRANSMITTED TO GOVERNOR: 4/13
ACTION: SIGNED, 4/17
CHAPTER 417

HB 705—FELA—REQUIRING TIMELY PAYMENT BY THE SRS TO PROVIDERS OF HEALTH CARE SERVICES TO RECIPIENTS OF MEDICAL ASSISTANCE.....
FISCAL NOTE: REQUIRED
INTRODUCED: 2/10
REFERRED TO COMMITTEE ON HUMAN SERVICES: 2/10
HEARING: 2/18
REPORT: DO NOT PASS, 2/19
REPORT: ADOPTED, 2/20
BILL KILLED: 2/20 YEAS: 72; NAYS: 24

HB 706—ANDREASON, FABREGA—TO CHANGE THE REQUIRED NOTICE TIME FOR CANCELLATION OF INSURANCE ON RESIDENCES FOR NONPAYMENT OF PREMIUMS....
INTRODUCED: 2/10
REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY: 2/10
HEARING: 2/17
REPORT: DO PASS AS AMENDED, 2/18
2ND READING: 2/21, YEAS: 80; NAYS: 8
3RD READING: 2/24, YEAS: 93; NAYS: 4

TRANSMITTED TO SENATE: 2/24
REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 3/21
HEARING: 3/17
REPORT: 3/18, BE CONCURRED IN
RE-REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 3/19
REPORT: 3/24, ADVERSE REPORT ADOPTED,
YEAS: 46; NAYS: 4
BILL KILLED IN COMMITTEE

HB 707—MARKS, FAGG—THE "MONTANA ENERGY CONSERVATION ACT".....
FISCAL NOTE: REQUIRED
INTRODUCED: 2/10
REFERRED TO COMMITTEE ON TAXATION: 2/10
HEARING: 2/18
HEARING: 3/24

HOUSE BILL NO. 704

INTRODUCED BY DUSSAULT

BY REQUEST OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

IN THE HOUSE

February 10, 1981	Introduced and referred to Committee on Local Government.
February 16, 1981	Committee recommend bill do pass. Report adopted.
February 17, 1981	Bill printed and placed on members' desks.
February 19, 1981	Second reading, do pass.
February 20, 1981	Considered correctly engrossed.
February 24, 1981	Third reading, passed. Ayes, 92; Noes, 4. Transmitted to Senate.

IN THE SENATE

March 2, 1981	Introduced and referred to Committee on Local Government.
March 19, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 21, 1981	Second reading, concurred in.
March 24, 1981	Third reading, concurred in as amended. Ayes, 47; Noes, 2.

IN THE HOUSE

March 25, 1981	Returned from Senate with amendments.
April 8, 1981	Second reading, amendments concurred in.

April 9, 1981

Third reading, amendments concurred in. Ayes, 91; Noes, 4. Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 704

INTRODUCED BY Hussaust

BY REQUEST OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT THE ESTABLISHMENT OF BUS STOPS IN PLACES IN WHICH STOPPING, STANDING, AND PARKING A VEHICLE ARE OTHERWISE PROHIBITED; AMENDING SECTION 61-8-354, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-354, MCA, is amended to read:

"61-8-354. Stopping, standing, or parking prohibited in specified places -- exceptions. (1) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or highway patrolmen or traffic-control device, in any of the following places:

(a) on a sidewalk;

(b) in front of a public or private driveway;

(c) within an intersection;

(d) within 15 feet of a fire hydrant;

(e) on a crosswalk;

(f) within 20 feet of a crosswalk at an intersection;

(g) within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;

(h) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the local authorities indicate a different length by signs or markings;

(i) within 50 feet of the nearest rail of a railroad crossing;

(j) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted;

(k) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(l) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(m) upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(n) at any place where official signs prohibit stopping.

(2) This section does not prohibit the establishment of public bus stops and the regulation of their use by a local government. Such a bus stop must be established by ordinance pursuant to a traffic and engineering study. Such establishment is subject to review and approval by the

department of highways if the bus stop is to be established on a street or highway under its jurisdiction.

~~(2)~~(3) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful."

-End-

MINUTES OF THE MEETING OF THE LOCAL GOVERNMENT COMMITTEE
February 13, 1981

The Local Government Committee met February 13, 1981 at 7:30 p.m. in Room 103 of the Capitol. The meeting was called to order by CHAIRMAN VERNER BERTELSEN. The roll call was taken and all committee members were present but REPRESENTATIVES HURWITZ, KESSLER and PISTORIA, who were absent.

HOUSE BILL 704

CHAIRMAN BERTELSEN announced that HB 704 would be heard first.

HOUSE BILL 704 SPONSOR, REP. DUSSAULT introduced the bill. The purpose of HB 704 is to provide an exemption for bus stops in areas otherwise forbidden for motor vehicles to stop. In Missoula the buses are not legally permitted to stop in orange marked zones, but to make it legal for them to do this, they asked for approval from the legislature.

PROPONENTS

RICHARD A. HOWELL of the Transit Bureau, Department of Community Affairs, stated this is more of a legal problem than anything. Missoula is the first city that has run into this problem. Basically, we are looking for a clarification in the law. We have checked with the Department of Highways and the City Engineers of Billings, Helena, Great Falls and Missoula for the language in the bill. As long as there is a study required and as long as the State Highway Department has the review approval of highways, the street areas so marked can be used for bus stops.

OPPONENTS

There were no opponents to HOUSE BILL 704.

CHAIRMAN BERTELSEN asked REP. DUSSAULT to close.

REP. DUSSAULT: I close.

REP. DUSSAULT moved that HOUSE BILL 704 DO PASS.

Question: All in favor of HOUSE BILL 704 say "aye". All were in favor so HOUSE BILL 704 received a unanimous DO PASS vote.

REP. GOULD moved that HOUSE BILL 704 be put on the consent calendar. All committee members approved.

REP. McBRIDE thought REP. DUSSAULT deserves a chance to discuss her bill on the floor. This was agreed so the Chairman asked that "it be removed from the consent calendar".

MINUTES OF THE MEETING
SENATE LOCAL GOVERNMENT COMMITTEE
MARCH 12, 1981

The meeting of the Local Government Committee was called to order by Chairman George McCallum on the above date in Room 405 at 7:30 p.m.

ROLL CALL: Senator Van Valkenburg was excused, all other members were present.

CONSIDERATION OF HOUSE BILL NO. 693:

AN ACT PERMITTING FIRE DEPARTMENT RELIEF ASSOCIATIONS OF PURE VOLUNTEER FIRE DEPARTMENTS IN FIRST- AND SECOND-CLASS CITIES TO BE MANAGED UNDER THE SAME PROVISIONS AS RELIEF ASSOCIATIONS IN THIRD-CLASS CITIES AND TOWNS.

Representative Feda, District No. 4, said this bill lets local volunteer fire departments within incorporated cities maintain their own relief association.

Art Korn, secretary/treasurer of the Montana Volunteer Firemen's Association, said Glasgow is the only second-class city that has strictly all volunteer fire departments. The association supports this bill.

There were no opponents of the bill appearing before the committee.

Senator McCallum then called for questions from the committee.

Senator McCallum asked if Libby was a second-class city.

Mr. Korn said Libby was strictly a third-class city.

Senator Ochsner asked if this was for first- and second-class cities why was Glasgow the only one included.

Representative Feda said Glasgow is the only second-class city that has completely volunteer fire departments.

CONSIDERATION OF HOUSE BILL NO. 704:

AN ACT TO PERMIT THE ESTABLISHMENT OF BUS STOPS IN PLACES IN WHICH STOPPING, STANDING, AND PARKING A VEHICLE ARE OTHERWISE PROHIBITED.

Representative Dussault, District No. 95, said this provides for an exemption to allow for bus stops where stopping by motor vehicles is otherwise prohibited. Local governments must have an ordinance establishing authority and where this occurs on streets or highways

under the Department of Highways' jurisdiction, it is subject to approval by the Department of Highways.

John Grew of the Missoula Urban Transportation District is requesting this legislation be passed. The bill has met with approval by the highway department and the safety division. They are requesting the effective date be immediate. They are in the process of installing bus stop signs at this time.

Dick Howell of the Transit Bureau of the Department of Community Affairs said there are communities that are putting in bus stops at the present time, this is not legally defined in the law. This is a step toward defining if bus stops will be allowed.

There were no opponents of the bill appearing before the committee

Representative Dussault, in closing, said the problem occurring without the bill is the question of liability. Specific authorization has to be given to cover liability. She would like the bill amended to provide for an immediate effective date.

Senator McCallum then called for questions from the committee.

Senator Hammond asked what the need for this was.

Representative Dussault said this exemption is not specifically stated in the law. There is a question of liability for cities already doing this. In Billings they are doing this.

Senator Hammond said this bill was necessary then.

Representative Dussault answered that cities would probably go ahead and do it anyway and be liable in case of an accident. That would be the case or you would have people walking out in the street to load and unload.

Mr. Grew said in Missoula they have a parking commission that has responsibility for all downtown parking. They are not open to these people taking away parking for bus stops. This exemption enables them to establish bus stops without taking away parking spots.

Senator Hammond asked about intersections.

Mr. Grew said they wanted the bus stops at stop signs or immediate after passing through intersections.

Senator McCallum asked if we could strike (c) on line 20, page 1.

Representative Dussault said she did not think there would be a problem with that.

Senator McCallum asked if the city council designated bus stops through an ordinance or resolution.

Representative Dussault said in Missoula the city and county is involved.

Mr. Grew said there is not a problem with city governments in terms of streets directly under their purview but there could be with streets under the state's purview. They have been cooperative so far.

CONSIDERATION OF HOUSE BILL NO. 375:

AN ACT TO MAKE IT CLEAR THAT TRUSTEES OF FIRE DISTRICTS ESTABLISHED IN ANY UNINCORPORATED TERRITORY, TOWN, OR VILLAGE MAY ENTER INTO LEASES AND PURCHASE CONTRACTS AND MAY ESTABLISH RESERVE FUNDS TO PROVIDE FIREFIGHTING APPARATUS, EQUIPMENT, HOUSING, AND FACILITIES FOR THE PROTECTION OF THE DISTRICT.

Representative Anderson, District No. 16, said this bill allows rural and volunteer fire departments to purchase equipment they need. It allows rural fire departments to establish a reserve fund. Lines 10 through 17 on page 2 provide that the reserve fund would be interest bearing until it was utilized for the designated purposes. They wanted to establish a limit so on page 2, line 16 it provides that the total budgeted for the reserve fund would not exceed 33 1/3% of the total projected costs of such items. It is a good bill. Fire districts are already doing this but there are no statutes providing this.

Art Korn, secretary/treasurer of the Montana Volunteer Firemen's Association, spoke in support of the bill. (See attached Exhibit A.)

Robert Ellis, Montana Volunteer Firemen's Association and the Helena Valley Volunteer Fire District, said some departments are already doing this, their department is one of them. They formed a nonprofit organization to buy a truck and building. The Department of Community Affairs said they were staying within bounds and did not reprimand or question them. This bill makes it completely legal. They just obtained a loan from the Farmers Home Administration, it took them 18 months to get it. The Attorney General had approved the purchase but the county attorney turned them down.

There were no opponents of the bill appearing before the committee.

Senator McCallum then called for questions from the committee.

ATED AREA TO A SEWER DISTRICT WHEN THE BOARD OF DIRECTORS DETERMINES THERE IS EXCESS CAPACITY.

Representative Thoft, District No. 92, said the safeguards are built into the bill on the bottom of page 2. Under present law they cannot take anyone into the district without an election which costs between $900 and $1000. There are about 12 unincorporated towns in this situation. He asked the committee to amend the bill to give an immediate effective date.

Thornton Mann, Victor Sewer District, said the intent of this bill is to alleviate hardship cases where people are on land that is contiguous with the district. The sewer is operating at less than 30% of capacity. They are not going to annex trailer courts or hotels, only homesites contiguous to the district.

There were no opponents of the bill appearing before the committee.

Senator McCallum asked if Victor was unincorporated.

Mr. Mann answered yes and since they were unincorporated their hands are tied.

Senator McCallum asked if they could take in one or a dozen.

Representative Thoft said as long as the land is contiguous and the owner wants to petition they may be taken into the district.

Senator Hammond asked if they would have the right to approve or deny anyone access.

Representative Thoft said the board has that discretion and also 40% of the members of the district at that time.

Senator Hammond asked who created the district.

Mr. Mann answered that it was created by a vote of the people in a given area.

Representative Thoft added there would be a lot of little towns in this position in the future.

DISCUSSION OF HOUSE BILL NO. 704: Lee Heiman of the Legislative Council explained they would never contemplate putting a bus stop in (a), (b), (c) or (e) on page 1. They could be amended out of that part of the bill and added to subsections (f) through (n) on pages 1 and 2. He said he would draft an amendment.

Senator McCallum said we also needed an amendment for an immediate effective date.

Senator Ochsner asked where the bus stops would be if they will not be interfering with parking spaces.

Senator McCallum said they would only be there long enough to load or unload passengers.

There being no further business before the committee, the hearing was adjourned at 8:30 p.m.

George McCallum

Chairman George McCallum

gs

Many cities are quite far away from contractors and cannot get anyone to bid for projects less than $4,000. That would be a very minor construction project, you are not going to have many construction projects for less than $10,000. The cities ought to have that capability. It has been $4,000 since 1971.

Senator O'Hara thought the $10,000 figure would be more appropriat

Debbie Schmidt said she would amend the bill to put it back to the way it was introduced.

Senator Conover made a motion to adopt the amendments.

Ms. Schmidt explained she would reinsert "construction" on line 16, strike "repair or maintenance" on line 17, leave $10,000 in and strike the rest of the new language on line 18. On page 2, line 17 she would change it back to $10,000.

Senator Conover's motion carried unanimously.

Senator Van Valkenburg motioned the bill be concurred in as amended. Senators McCallum and Thomas were opposed, Senators Hammond and Conover were excused, all others voted aye.

DISPOSITION OF HOUSE BILL 693: Senator O'Hara said Glasgow has been fluctuating between third and second class so they wanted this bill to allow them to keep their volunteer fire department.

Senator Thomas moved the bill be concurred in. The motion carried unanimously with Senators Hammond and Conover being excused.

DISPOSITION OF HOUSE BILL 704: Senator Van Valkenburg moved the bill be amended to be effective upon passage and approval. The motion carried unanimously.

Senator Van Valkenburg then motioned to adopt the other amendment to the bill. The motion carried unanimously.

Senator McCallum explained that would make it clear they could not have the bus stop in an intersection or driveway.

Senator Van Valkenburg moved the bill be concurred in as amended. The motion carried unanimously. Senators Hammond and Conover were excused.

DISCUSSION OF HOUSE BILL 375: Senator McCallum said there was nothing in the law to keep them from budgeting whatever they wante

Senator Ochsner moved to table the bill.

Senator Van Valkenburg said he did not want to kill the bill.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/17/81 House Bill No. 704 Time 12:30

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	Excused	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	Excused	
Senator Fred Van Valkenburg	✓	

Gail Stockwell
Secretary, Gail Stockwell

George McCallum
Chairman, GEORGE MCCALLUM

Motion: Senator Van Valkenburg moved the bill be concurred in as amended.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

March 17 19 7

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 70

DUSSAULT(HALLIGAN)

Respectfully report as follows: That HOUSE Bill No. 70

third reading (blue) copy, be amended as follows:

1. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 21.
Following: "(2)"
Strike: "This"
Insert: "A public bus stop may not be established in the areas des
in subsection (1)(a) through (c) and (e), otherwise this"

3. Page 3.
Following: line 5
Insert: "Section 2. Effective date. This act is effective on pa
and approval."

And, as so amended, BE CONCURRED IN

~~DO PASS~~

GEORGE MCCALLUM, Chairman.

STATE PUB. CO.
Helena, Mont.